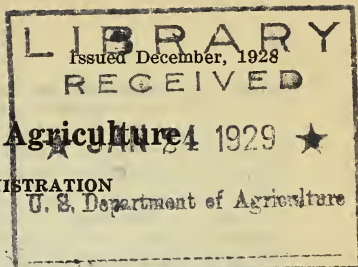


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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1101-1125

[Approved by the Secretary of Agriculture, Washington, D. C., December 13, 1928]

1101. Misbranding of Saniflor. U. S. v. Renaud et Cie of America. Plea of nolo contendere. Information placed on file. (I. & F. No. 1411. Dom. No. 20388.)

On August 25, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Renaud et Cie of America, a corporation, Boston, Mass., alleging shipment by said company, in violation of the insecticide act of 1910, on or about July 1, 1925, from the State of Massachusetts into the State of Rhode Island, of a quantity of Saniflor, which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Saniflor Automatic Desodoriser For Purifying The Air, * * * The most powerful of antiseptics * * * Hygienic * * * Antiseptic," borne on the label affixed to the bottles containing the said article, and the statements, to wit, "Saniflor Floral Disinfectant. 'Saniflor' is presented to the public in the form of small and elegant bottles furnished with delicate flowers which have the property of slowly evaporating the liquid in which the stems are immersed. By this means an antiseptic and sweetly perfumed odour is obtained * * * 'Saniflor' is the most hygienic preparation of its kind ever introduced. 'Saniflor' is employed particularly for the disinfection of places where the air may become vitiated, such as sick-rooms, workshops, waiting-rooms, cinemas, theatres, music-halls, and lavatories. * * * Saniflor Floral Disinfectant * * * Remove the cork, then place the stem of the flower in the bottle. The bottle can then be placed where required, taking care not to let the flowers be in contact with anything, for by doing so the evaporation takes place much quicker. 'Saniflor' will then be working, purifying and disinfecting the air for two to three months without any further attention.* * * 'Saniflor' is made of a refined essence, and perfumes deliciously all apartments, such as boudoirs, wardrobes, and impregnates all lingerie and clothes with a most healthy and sweet perfume. It also preserves furs, etc., from moths," borne in the circulars accompanying the article, were false and misleading, and by reason of the said statements the said article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would purify the air, would possess hygienic value, would act as an antiseptic, would purify and disinfect the air, would disinfect sickrooms, workshops, waitingrooms, cinemas, theatres, music-halls, and lavatories, and would preserve furs and all other articles from moths, whereas, in fact and in truth, the said article, when used as directed, would not be effective for the said purposes.

On December 20, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court ordered the information placed on file.

W. M. JARDINE, *Secretary of Agriculture.*

1102. Misbranding of Hart's Rid-O-Lice tablets. U. S. v. E. C. Arehart. Plea of guilty. Fine, \$50. (I. & F. No. 1393. Dom. No. 20924.)

On March 19, 1926, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. C. Arehart, trading as Arehart & Co., Stickney, S. D., alleging shipment by said defendant, on or about August 1, 1925, from the State of South Dakota into the State of Iowa, of a quantity of Hart's Rid-O-Lice tablets, which was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Hart's Rid-O-Lice Tablets for Poultry * * * Must be given to poultry in their drinking water," borne on the labels of the cartons containing the said articles, and "Rid-O-Lice Tablets Directions Crush and dissolve three Rid-O-Lice tablets to each quart of clear drinking water," borne on the circulars accompanying the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would rid poultry of lice, whereas, in fact and in truth, it would not.

On March 21, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

1103. Adulteration and misbranding of Tomson's Red Seal chlorinated lime. U. S. v. P. C. Tomson & Co., Inc. Plea of nolo contendere. Fine, \$50. (I. & F. No. 1442. Dom. No. 22059.)

On August 19, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against P. C. Tomson & Co., Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the insecticide act of 1910, on or about September 15, 1926, from the State of Pennsylvania into the State of New York, of a quantity of Tomson's Red Seal chlorinated lime, which was an adulterated and misbranded insecticide and a fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Active Ingredients—Available Chlorine, 30% Inert Ingredients—Calcium & Magnesium Chlorides, etc., 70%," borne on the label affixed to the cans containing the said article, purported and represented its standard and quality were such that it contained available chlorine in the proportion of not less than 30 per cent, and contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 70 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 30 per cent of available chlorine and more than 70 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements borne on the label were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 30 per cent of available chlorine and not more than 70 per cent of inert ingredients, whereas it contained less than 30 per cent of available chlorine and more than 70 per cent of inert ingredients.

Misbranding was alleged for the further reason that the statement, to wit, "Net Weight, 12 Oz.," borne on the label of the said cans, represented that the contents of the packages were, in terms of weight, 12 ounces of the article, whereas the contents of the said packages were not plainly and correctly stated on the label thereof, in that they contained less than 12 ounces of the said article.

On September 21, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

1104. Adulteration and misbranding of Bordo-Arsenate dry powdered. U. S. v. John Lucas & Co., Inc. Plea of nolo contendere. Fine, \$50. (I. & F. No. 1439. Dom. Nos. 20585, 21565.)

On August 30, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Lucas & Co., Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the insecticide act of 1910, in two consignments, on or about April 6, 1925, and March 20, 1926, respectively, from the State of Pennsylvania into the State of Maryland, of quantities of Bordo-Arsenate dry powdered, which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Arsenate of Lead, not less than 32.0% Inert Ingredients, not more than 53.0%," borne on the label affixed to the drums containing the said article, represented that its standard and quality were such that it contained arsenate of lead in a proportion of not less than 32 per cent and contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in a proportion not greater than 53 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 32 per cent of arsenate of lead and more than 53 per cent of inert ingredients.

Misbranding of the article was alleged for the reason that the statements, to wit, "Arsenate of Lead, not less than 32.0% Inert Ingredients, not more than 53%," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 32 per cent of arsenate of lead and not more than 53 per cent of inert ingredients, whereas the said article contained less than 32 per cent of arsenate of lead and more than 53 per cent of inert ingredients.

Adulteration was alleged with respect to the portion of the product shipped April 6, 1925, for the further reason that the statements, to wit, "Bordo-Arsenate Dry Powdered Analysis Copper (Cu) not less than 15.0% Arsenate of Lead, not less than 32.0% Inert Ingredients, not more than 53.0% Total Arsenic Oxide (As_2O_5) 9.8% Total Arsenic as Metallic 6.4%," borne on the label, represented that the article consisted of a mixture of Bordeaux and lead arsenate, whereas it did not consist of a mixture of Bordeaux and lead arsenate, but another substance, to wit, calcium arsenate, had been substituted in part for the said article.

Misbranding was alleged with respect to the said portion of the product for the further reason that the statements, to wit, "Lucas Dry Powdered Bordo-Arsenate, 7 Lbs. to 50 gals. of water * * * is approximately equal in strength to * * * 2 lbs. Arsenate of Lead," borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that the said statements represented that 7 pounds of the article to 50 gallons of water would contain 2 pounds of lead arsenate, whereas 7 pounds of the said article to 50 gallons of water would not contain 2 pounds of lead arsenate. Misbranding was alleged with respect to the said portion for the further reason that it consisted partially of inert substances or ingredients, to wit, substances other than lead arsenate, calcium arsenate, and copper (expressed as metallic copper), and the name and percentage amount of each of said inert substances so present in the article were not stated plainly and correctly on the label affixed to each of the drums containing the said article, nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the said label.

On September 21, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

1105. Adulteration and misbranding of granular sodium cyanide. U. S. v. Philip M. Caul & Co. Plea of guilty. Fine, \$25. (I. & F. No. 1433. Dom. No. 22041.)

On May 9, 1927, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Philip M. Caul & Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in

violation of the insecticide act of 1910, on or about April 19, 1926, from the State of Ohio into the State of Pennsylvania, of a quantity of granular sodium cyanide, which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, to wit, "Granular Sodium Cyanide NaCN," borne on the label affixed to the cans containing the said article, represented that its standard and quality were such that it consisted of sodium cyanide, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it did not consist of sodium cyanide, but did consist of a mixture of sodium cyanide, sodium chloride, and sodium carbonate. Adulteration was alleged for the further reason that the statement, "Granular Sodium Cyanide NaCN," borne on the label, represented that the article consisted of sodium cyanide, whereas it did not consist of sodium cyanide, but other substances, to wit, sodium chloride and sodium carbonate, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Granular Sodium Cyanide NaCN," borne on the label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, in that the said statement represented that the article consisted of sodium cyanide, whereas it did not, but did consist of a mixture of sodium cyanide, sodium chloride, and sodium carbonate.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than sodium cyanide, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances so present in the article were not stated plainly and correctly on the label affixed to the cans containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances so present therein stated plainly and correctly on the said label.

On September 12, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture*.

1106. Misbranding of Lee's lice killer. U. S. v. 38 Cans of Lee's Lice Killer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1453. S. No. 180.)

On August 22, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 38 cans of Lee's lice killer. It was alleged in the libel that the article had been shipped on or about March 10, 1927, by the George H. Lee Co., Omaha, Nebr., from the State of Nebraska into the State of Massachusetts, and that having been so transported it remained unsold in the original unbroken packages at Boston, Mass., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Lee's Lice Killer is intended principally for use about the poultry house, for chickens, keeping rid of mites * * * also the various forms of feather lice and body lice that habitually remain upon the chickens. See other part of this label for directions," borne on the label affixed to the cans containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used on roosts and dropping boards as directed, would be an effective remedy against chicken lice, whereas the said article, when used on roosts and dropping boards as directed, was not an effective remedy against chicken lice. Misbranding was alleged for the further reason that the statements, to wit, "For Body Lice on Fowls—Apply Lee's Lice Killer liberally to the roosts a half hour before chickens go to roost at night, to get a wide evaporating surface for killing body lice it is necessary to arrange a 12 to 14 inch board directly under and close up against the roost. Apply Lee's Lice Killer to both boards and roost daily for a short time, then once a month regularly. The roost itself, should be a 2 x 2 or a 2 x 4 with top edge rounded," borne on the label affixed

to the said cans, together with the statement, to wit, "Lee's Lice Killer. We are free from lice," used in connection with a picture of chickens, borne on the said label, and certain statements contained in the booklets packed and shipped with the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against body lice on fowls, would free chickens from lice, would be an effective remedy against lice on poultry, against body lice on hens, and against chicken lice, and all vermin that infest poultry, whereas the article, when used as directed, would not be effective for the said purposes.

On October 27, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

1107. Misbranding of 2 in 1 lice and mite remover. U. S. v. 22 Dozen Bottles and 453 Bottles of 2 in 1 Lice and Mite Remover. Default decrees of condemnation, forfeiture, and destruction. (I. & F. Nos. 1406, 1407. S. Nos. 171, 173.)

On June 2 and June 14, 1926, respectively, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 741 bottles of 2 in 1 lice and mite remover. It was alleged in the libels that the article had been shipped in part on or about March 29, 1926, and in part on or about June 3, 1926, by the 2 in 1 Poultry Supply Co., Kansas City, Mo., from the State of Missouri into the State of Arkansas, and that having been so transported it remained unsold at Little Rock, Ark., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libels that the article was misbranded in that the statements, to wit, "Trade '2 In 1' Mark Rids and Prevents Lice and Mite Remover. The Contents of This Bottle is Sufficient to make 200 Gallons. This preparation is absolutely Guaranteed to rid poultry of all parasites such as lice, mites, stick-tite fleas or blue-bugs," "'2 in 1' Lice and Mite Remover is harmless and non-poisonous. It will not taint the flesh or the eggs. It is a wonderful tonic and blood-purifier for young and old fowls," "Directions: Keep bottle tightly corked. Mix ten (10) drops of '2 in 1' Lice and Mite Remover with every gallon of drinking water. If possible, do not use metal containers for the water," borne on the labels affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against lice and mites and against all poultry parasites, such as lice, mites, stick-tight fleas and blue-bugs, whereas, in fact and in truth, it would not.

Misbranding was alleged with respect to the portion of the product consigned March 29, 1926, for the further reason that certain statements, borne in the circulars shipped with the said portion, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against lice, mites, blue-bugs, stick-tight fleas, and all other insects, vermin, and parasites that infest or attack poultry, whereas, in fact and in truth, it would not.

Misbranding was alleged with respect to both consignments of the product for the further reason that it consisted completely of inert substances or ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used in the method and manner as directed, and the name and percentage amount of each and every one of the said inert substances or ingredients so contained in the article were not stated plainly and correctly on the label of the bottles containing the said article.

On October 18, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

1108. Misbranding of Star parasite remover. U. S. v. 3½ Dozen Bottles of Star Parasite Remover. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1431. S. No. 174.)

On or about March 28, 1927, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3½ dozen bottles of Star parasite remover. It was alleged in the libel that the article had been shipped by the Star Chemical Co., Arlington, Texas, on or about July 3, 1926, from the State of Texas into the State of Louisiana, and that having been so transported it remained unsold at Shreveport, La., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Analysis—Active Ingredients, 29 per cent Sulphur Lime Calcium Polysulphide, Calcium Thiosulphate, Inert Ingredients 71 per cent," borne on the label affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained active ingredients, i. e., substances that prevent, destroy, repel, or mitigate insects, in the proportion of not less than 29 per cent, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 71 per cent, whereas the said article contained less than 29 per cent of active ingredients and more than 71 per cent of inert ingredients.

Misbranding was alleged for the further reason that the statements, to wit, "A * * * disease preventative," "Star Parasite Remover A Poultry Remedy * * * and parasite remover * * * Directions: For grown fowls add 15 drops to one gallon of drinking water or milk; 10 drops for baby chicks given in mash feed, give teaspoonful for each 100 fowls. Give each day for 5 days, then wait 10 days and repeat—after three treatments of 5 days each—to keep fowls free of intestinal worms and parasites and all blood sucking lice—mites, fleas and blue bugs. Give in feed or water once each week * * * Our Guarantee: Star Parasite Remover is guaranteed to rid poultry of all intestinal worms and parasites of all blood sucking lice, or mites, fleas and blue bugs, if above directions are followed or we will refund the purchase price. Star Parasite Remover * * * Directions * * * For dogs with mange * * * give on bread each day for 5 days, repeat if needed * * * Our Guarantee Star Parasite Remover is guaranteed to rid poultry of all intestinal worms and parasites * * * if above directions are followed * * * It is a good tonic, blood purifier, health builder and disease preventative," borne on the labels of the said bottles, and the statements, to wit, "Star Parasite Remover * * * Simple and Easy to Use Add 15 drops to one gallon of fowls drinking water or mix 15 drops in moist feed for every 25 fowls. Give 5 days. Then wait 10 days. Then give 5 days again. Then wait 10 days and give 5 more days. After these 3 treatments give once each week and you will have fowls free from bloodsucking Lice, Mites, Fleas, Blue Bugs. Also free of all intestinal worms, intestinal parasites, etc. Results Guaranteed or money refunded After using Star Parasite Remover diligently for 60 days, if you are not thoroughly convinced that your fowls (chickens and turkeys) are not being kept free of destructive insects, intestinal worms, and parasites, kept hardier, healthier, produce more eggs, then bring back the bottle and get your money (all dealers are authorized to refund the money to any one not satisfied.) * * * Testimonials: For three years I have used Star Parasite Remover and during this time have had no trouble or loss from insects, worms or any kind of parasites. Have had no sickness among flock, get lots of eggs, had good hatches and strong young chicks. Would not be without it. * * * Many others write us giving just such statements which will be furnished on request. Better Keep Them Free of Insects and Healthy. Prevention is cheaper than cure," "Star Parasite Remover * * * a good tonic, blood purifier, health builder, egg producer and disease preventive * * * Simple and Easy to Use * * * You will have fowls free from blood sucking * * * mites * * * also freed of all intestinal worms, intestinal parasites, etc. * * * After using Star Parasite Remover diligently for 60 days, if you are not thoroughly convinced that your fowls (Chickens and turkeys) are not being kept free of intestinal worms and parasites, kept hardier, healthier, produce more eggs * * * Practically all big poultry buyers use it for fattening

poultry for market * * * for fleas on dogs or cats * * * will also cure mange Testimonials: For 3 years I have used Star Parasite Remover and during this time have had no trouble or loss from * * * worms or any kind of parasites. Have had no sickness among flock, got lots of eggs, had good hatches and strong young chicks * * * a wonderful poultry remedy * * * Better keep them free of insects and healthy," borne on the circular accompanying the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would prevent disease, would be an effective remedy against all blood sucking lice, mites, fleas, and blue bugs, and against all insects and all other parasites that infest poultry, would be effective in the treatment of mange in dogs, would rid poultry of all types and varieties of intestinal worms and parasites, and would act as a disease preventative, would, under all conditions, be a good tonic, blood purifier, health builder, egg producer, and disease preventive, would be effective against all types and varieties of blood sucking mites on fowls, that poultry would be free of all intestinal worms and parasites, would keep poultry free from all intestinal worms and parasites, would keep them hardier and healthier, and would cause them to produce more eggs, would be of practical value in the fattening of poultry, would be effective in the treatment of mange, would be effective against worms and all types and varieties of parasites infesting poultry, would prevent sickness among poultry under all conditions and would, under all conditions, cause good hatches of strong young chicks, would keep poultry free from insects and would, under all conditions, cause poultry to remain healthy, whereas the said article, when used as directed, would not be effective for the above purposes.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, when used as directed, and the name and percentage amount of each and every such inert substance or ingredient so present in the article were not stated plainly and correctly on the label affixed to the bottle containing the said article.

On June 20, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

1109. Adulteration and misbranding of Nico-Sulphur-Dust No. 5, Nico-Sulphur-Dust No. 8, and Nico Garden Dust. U. S. v. Walnut Growers Spray Manufacturing Co. Plea of guilty. Fine, \$260. (I. & F. No. 1424. Dom. Nos. 20425, 20427, 20428.)

At the January 1927 term of the United States District Court within and for the Southern District of California, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Walnut Growers Spray Mfg. Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 11, 1925, from the State of California into the State of Arizona, of quantities of Nico-Sulphur-Dust No. 5, Nico-Sulphur-Dust No. 8, and Nico Garden Dust, which were adulterated and misbranded insecticides and fungicides within the meaning of said act.

Adulteration of the articles was alleged in the information for the reason that the statements, to wit, "Sulphur, not less than 45.00% Inert Ingredients Special Dust, composing carrier, not more than 53.25%," with respect to the Nico-Sulphur-Dust No. 5, "Sulphur 40.00%," with respect to the Nico-Sulphur-Dust No. 8, and "Nicotine, not less than 2.8 per cent, Sulphur, not less than 45.0 per cent, Inert Ingredient Special Dust composing carrier, not more than 52.2 per cent," with respect to the Nico Garden Dust, borne on the labels affixed to the containers of the said articles, represented that the standard and quality of the articles were such that the Nico-Sulphur-Dust No. 5 contained not less than 45 per cent of sulphur, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 53.25 per cent, that the Nico-Sulphur-Dust No. 8 contained not less than 40 per cent of sulphur, and that the Nico Garden Dust contained not less than 2.8 per cent of nicotine, not less than 45 per cent of sulphur, and not more than 52.2 per cent of inert ingredients, whereas the strength and purity of the articles fell below the professed standard and quality

under which they were sold, in that the Nico-Sulphur-Dust No. 5 contained less than 45 per cent of sulphur, and more than 53.25 per cent of inert ingredients, the Nico-Sulphur-Dust No. 8 contained less than 40 per cent of sulphur, and the Nico Garden Dust contained less than 2.8 per cent of nicotine, less than 45 per cent of sulphur, and more than 52.2 per cent of inert ingredients.

Misbranding of the said Nico-Sulphur-Dust No. 5 was alleged for the reason that the statements "Sulphur, not less than 45.00% Inert Ingredients Special Dust, composing carrier, not more than 53.25%," "A preparation made especially for * * * Asparagus Rust," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 45 per cent of sulphur and not more than 53.25 per cent of inert ingredients, and, when used as directed, would satisfactorily control asparagus rust, whereas the article contained less than 45 per cent of sulphur and more than 53.25 per cent of inert ingredients, and, when used as directed, would not satisfactorily control asparagus rust.

Misbranding of the Nico-Sulphur-Dust No. 8 was alleged for the reason that the statements, to wit, "Sulphur 40.00%," and "A preparation made especially for combinations such as Grape Leaf * * * Mildew, Pea * * * Mildew," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 40 per cent of sulphur, and, when used as directed, would satisfactorily control all mildews of grapes and peas, whereas it contained less than 40 per cent of sulphur, and, when used as directed, would not satisfactorily control all mildews of grapes and peas.

Misbranding of the Nico Garden Dust was alleged for the reason that the statements "Nicotine, not less than 2.8 per cent, Sulphur, not less than 45.0 per cent, Inert Ingredient Special Dust composing carrier, not more than 52.2 per cent," "A preparation made specially for * * * mildews," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 2.8 per cent of nicotine, not less than 45 per cent of sulphur, and not more than 52.2 per cent of inert ingredients, and, when used as directed, would satisfactorily control all mildews, whereas the said article contained less than 2.8 per cent of nicotine, less than 45 per cent of sulphur, and more than 52.2 per cent of inert ingredients, and, when used as directed, would not satisfactorily control all mildews.

Misbranding of the Nico-Sulphur-Dust No. 8 and the Nico Garden Dust was alleged for the further reason that the statement "Net Weight 5 Pounds," with respect to the former, and "Net Weight 2 Pounds," with respect to the latter, borne on the label, represented that the contents of the packages containing the articles were 5 pounds, or 2 pounds, as the case might be, of the respective articles, whereas the contents of each of the said packages were not correctly stated on the outside thereof, in that they contained less than represented.

Misbranding of the said Nico-Sulphur-Dust No. 8 and the Nico Garden Dust was alleged for the further reason that the articles consisted partially of inert ingredients, to wit, substances other than nicotine and sulphur, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every one of the inert substances or ingredients so present therein were not stated plainly and correctly on the labels affixed to the packages containing the said articles, nor, in lieu thereof, were the name and percentage amount of each and every substance of the articles having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said labels.

On February 21, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$260.

W. M. JARDINE, *Secretary of Agriculture.*

1110. Adulteration and misbranding of arsenate of calcium. U. S. v. Acme White Lead & Color Works. Plea of guilty. Fine, \$50.
(I. & F. No. 1361. Dom. No. 19719.)

On March 27, 1926, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the

Acme White Lead & Color Works, a corporation, Detroit, Mich., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 2, 1924, from the State of Michigan into the State of Indiana, of a quantity of arsenate of calcium, which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "70% Active Ingredient: Calcium Arsenate, 30% inert ingredients. Total Arsenic (Expressed as percentum of Metallic Arsenic) not less than 26.1%; equivalent to 40% Arsenic Oxide. Arsenic in water soluble form (Expressed as percentum of Metallic Arsenic) not more than 0.5%; equivalent to 0.75% arsenic oxide," borne on the label affixed to the packages containing the said article, represented that its standard and quality were such that it contained calcium arsenate in the proportion of not less than 70 per cent, contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 30 per cent, contained arsenic, expressed as per centum of metallic arsenic, in the proportion of not less than 26.1 per cent, equivalent to 40 per cent of arsenic oxide, and contained arsenic in water-soluble form, expressed as per centum of metallic arsenic, in the proportion of not more than 0.5 per cent, equivalent to 0.75 per cent of arsenic oxide, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 70 per cent of calcium arsenate, more than 30 per cent of inert ingredients, and less than 26.1 per cent of arsenic, expressed as per centum of metallic arsenic, and contained more than 0.5 per cent of arsenic in water-soluble form, expressed as per centum of metallic arsenic. Adulteration was alleged for the further reason that the article was intended for use on vegetation and contained a substance, to wit, water-soluble arsenic, which would be injurious to such vegetation, when used as directed.

Misbranding was alleged for the reason that the above-quoted statements borne on the label were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained calcium arsenate in the proportion of not less than 70 per cent, contained inert ingredients in the proportion of not more than 30 per cent, contained arsenic, expressed as per centum of metallic arsenic, in the proportion of not less than 26.1 per cent, equivalent to 40 per cent of arsenic oxide, and contained arsenic in water-soluble form, expressed as per centum of metallic arsenic, in the proportion of not more than 0.5 per cent, equivalent to 0.75 per cent of arsenic oxide, whereas the article contained less than 70 per cent of calcium arsenate, more than 30 per cent of inert ingredients, and less than 26.1 per cent of arsenic, expressed as per centum of metallic arsenic, and contained more than 0.5 per cent of arsenic in water-soluble form, expressed as per centum of metallic arsenic.

Misbranding was alleged for the further reason that the statements, to wit, "Wet Spraying—Use 3/4 to 1 pound to 50 gallons of spray. Unless used with Lime sulphur or Bordeaux Mixture, always add milk of lime made by slaking 2 or 3 pounds of stone lime to each 50 gallons of water, or diluted spray. * * * * Caution—Do not use on stone fruits such as peach, plum, cherry, etc. Dry Dusting for Potatoes, Tobacco and certain vegetable Crops—Thoroughly mix one pound of Calcium Arsenate with two or three pounds of hydrated lime Guaranteed when packed to meet specifications of Bureau of Entomology U. S. Department of Agriculture, for cotton boll weevil poisoning," borne on the said label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, could be safely so used on the foliage of most plants, could be safely so used on potato and tobacco plants, and that it met the specifications of the Bureau of Entomology, U. S. Department of Agriculture, for cotton boll weevil poisoning, whereas the said article, when used as directed, could not be safely so used on the foliage of most plants, and could not be safely so used on potato and tobacco plants, but such use would be seriously injurious to the foliage thereof, and it did not meet the specifications of the Bureau of Entomology of this department for cotton boll weevil poisoning.

On April 9, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

1111. Misbranding of Sentry anti-germ telephone deodorizer. U. S. v. Sentry Products Co., Plea of nolo contendere. Fine, \$1. (I. & F. No. 1418. Dom. No. 21481.)

On October 28, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sentry Products Co., a corporation, Boston, Mass., alleging shipment by said company in violation of the insecticide act of 1910, on or about March 1, 1926, from the State of Massachusetts into the State of California, of a quantity of Sentry anti-germ telephone deodorizer, which was a misbranded fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Anti-Germ Telephone Deodorizer * * * Anti-Germ Telephone Deodorizer Device With Two Anti-Germ Cartridges * * * Directions Place the Device on Telephone Transmitter—the Rim of the Device snaps over Phone Mouthpiece. Keep One Anti-Germ Cartridge in the Centre Bowl. * * * Anti-Germ Telephone Deodorizer Device Scientific in Principal. With one Cartridge in Bowl it provides a constant supply of Anti-Germ Gas Inside the transmitter," borne on the label affixed to the cartons containing the article, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would act as a disinfectant, and would have an anti-germ effect, whereas, in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, paradichlorobenzene, that is to say, a substance which does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the inert substance so present therein were not stated plainly and correctly on the label affixed to the cartons containing the article, nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On June 14, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

W. M. JARDINE, *Secretary of Agriculture.*

1112. Misbranding of Lee's lice killer. U. S. v. 67 Cans of Lee's Lice Killer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1302. S. No. 156.)

On August 22, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 67 cans of Lee's lice killer. It was alleged in the libel that the article had been shipped by the George H. Lee Co., Omaha, Nebr., on or about July 3, 1924, from the State of Nebraska into the State of Texas, and that having been so transported it remained unsold at Fort Worth, Texas, and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "For Body-Lice on Fowls.—Apply Lee's Lice Killer liberally to the roosts an hour or so before chickens go to roost at night. To get a wide evaporating surface for killing body-lice it is necessary to arrange a 12 or 14 inch board directly under and close up to the roost. Apply Lee's Lice Killer to both board and roost daily for a short time, then once a month regularly. Setting hens.— * * * Two days before hatching place hen in a box painted inside with Lee's Lice Killer for an hour or two. If hen and chicks have lice, remove the hen and treat as above, then return to chicks," borne on the label affixed to the cans containing the said article, and the statements, to wit, "Now, all you have to do is to put a wide board close under the roost, spray or paint it with Lee's Lice Killer and let the chickens roost there over night. The lice die and drop off on the board. You can actually see them there the next morning. No guess work or faith about it. If you shake all of the dead ones out of their feathers, before leaving the roost, you can even count the grand total." "It's so easy to use after you have the roosts once fixed. A little lice killer applied once or twice a month and your birds are free from lice * * * and scaly-leg for all time to come," "Your Lice Killer can't be beat for the extermination of lice and mites," "I

didn't try to count the dead lice after first using Lee's Lice Killer. If I had, I'd have been counting yet," "I actually counted 484 dead lice under the roost of two hens in one night, using Lee's Lice Killer," "There must have been hundreds of dead lice under one roost. I didn't try to count them," borne on the circular accompanying the article, and the statements, to wit, "Use Lee's Lice Killer about the brooders or colony houses or coop boxes as you would about your beds for bed bugs. That is, don't slop it all over the woodwork, walls, and floors, but apply it with a squirt oiler, injecting it into all of the corner joints, cracks and crevices. That is where the lice and mites hide away and that is where to catch them," "There is not much trouble with lice until chicks get well past the danger point if they are kept well away from the old fowls or if the old birds are kept well rid of vermin by regular use of Lee's Lice Killer about the roost," "Keep the old fowls rid of vermin by regular use of Lee's Lice Killer and you will have little trouble with chicks, in that respect, until they are old enough to roost," "Lee's Lice Killer is always used full strength,—never diluted. It takes only a very light spray,—from an atomizer,—except for the roosts where it is applied more heavily to get the evaporation to reach into the feathers of chickens roosting above it," "The use, once a month, regularly, of Lee's Lice Killer in order to insure full and complete freedom from lice * * * and other vermin," borne in the booklets accompanying the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against body-lice on fowls and lice on chicks, would be an effective remedy against, and would exterminate, chicken lice and mites, would be an effective remedy against scaly-leg, and would be an effective remedy against chicken lice and all other vermin that infest fowls, whereas the said article, when used as directed, would not be effective for the said purposes.

On June 23, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

1113. Misbranding of Heger's antiseptic wash for birds. U. S. v. William F. Heger and Robert H. Heger (The Heger Products Co.). Pleas of guilty. Fine, \$50. (I. & F. No. 1388. Dom. Nos. 19348, 20013.)

On April 16, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William F. Heger and Robert H. Heger, trading as The Heger Products Co., St. Paul, Minn., alleging shipment by said defendants, in violation of the insecticide act of 1910, in two consignments, on or about April 9, 1924, and November 6, 1924, respectively, from the State of Minnesota into the State of Michigan, of quantities of Heger's antiseptic wash for birds, which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Heger's Antiseptic Wash for birds A powerful Antiseptic, Deodorant, Germicide and Disinfectant to rid birds of mites and lice," borne on the labels affixed to the packages containing the article, and the statements, to wit, "A powerful Antiseptic, Germicide, deodorant and Disinfectant * * * Non-poisonous Germicide," "For Lice or Mites. Dissolve one tablet in the Canary Bath Dish (about four ounces of water). Should the bird refuse to bathe, wash with absorbant cotton dipped in a solution of Heger's Antiseptic Wash for Birds, washing carefully under the wings. If the solution is clean after the bird has bathed strain thru a cloth and place in a bottle for future use. Heger's Antiseptic Wash for Birds is a non-poisonous germicide and will aid in relieving the bird of vermin. * * * Use Heger's Antiseptic Wash for Birds in the bathing water occasionally as a preventative for lice or mites," borne in the circulars accompanying the said article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that the said statements represented that the article, when used as directed, would act as an antiseptic and would be an effective remedy against mites and lice, would act as a germicide, disinfectant, and antiseptic and as a powerful deodorant, and would aid in relieving the birds of all vermin, whereas, in fact and in truth, the said article, when used as directed, would not be effective for the above purposes.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than 8-oxy-quinoline sulphate, that is, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every one of the inert substances and ingredients so present therein were not stated plainly and correctly on the label affixed to the packages containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties and the total percentage of the inert ingredients so present in the article stated plainly and correctly on the said label.

On April 18, 1927, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

1114. Adulteration and misbranding of Silbling cedar ball. U. S. v. Rose Chemical Products Co., Inc. Plea of guilty. Fine, \$40. (I. & F. No. 1434. Dom. No. 21366.)

On May 23, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rose Chemical Products Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about June 5, 1926, from the State of New York into the State of Massachusetts, of a quantity of Silbling cedar ball, which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, to wit, "Silbling Cedar Ball," borne on the label affixed to the cartons containing the said article, represented that the standard and quality of the article were such that it consisted of cedar, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it did not consist of cedar, but did consist of a mixture of naphthalene and coal-tar neutral oils. Adulteration was alleged for the further reason that the statement, to wit, "Silbling Cedar Ball," borne on the label, purported and represented that the article consisted of cedar, whereas it did not, but other substances, to wit, naphthalene and coal-tar neutral oils, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Silbling Cedar Ball, if placed in the silver chest will absorb all the moisture and prevent the silver from tarnishing and eliminate the necessity of constant polishing. Silbling Cedar Ball, if hung in the cellar will absorb the musty cellar odors, * * * Silbling Cedar Ball is more economical than any other insecticide and when hung will remain effective for the period of one year," "Silbling cedar ball when hung in the wardrobe is more effective to moths and insects than the old fashioned way of sprinkling liquids, spreading naphthalene flakes and throwing moth balls into the clothes and closets, * * * Silbling Cedar Ball if hung in the cellar will * * * Prevent insects from coming into the house," borne on the said labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article consisted of cedar and, when used as directed, would absorb musty cellar odors, would absorb all the moisture in the silver chest, prevent the silver from tarnishing, and eliminate the necessity of constant polishing, would remain effective against insects for a period of one year, and would be an effective remedy against moths and all other insects, and would prevent insects from coming into the house, whereas the said article did not consist of cedar, but did consist of a mixture of naphthalene and coal-tar neutral oils, and, when used as directed, would not be effective for the above purposes.

On July 5, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

W. M. JARDINE, *Secretary of Agriculture.*

1115. Misbranding of Reliance lice and mite killer. U. S. v. Fannie L. McDaniel. Plea of guilty. Fine, \$10. (I. & F. No. 1402. Dom. No. 20927.)

On August 10, 1926, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Fannie L. McDaniel, trading as the Reliance Mfg. Co., El Paso, Texas, alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about May 7, 1925, from the State of Texas into the State of Iowa, of a quantity of Reliance lice and mite killer, which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Reliance Lice And Mite Killer Given only in the drinking water. Rids Fowls of Lice, Mites and Blue Bugs, Stick-tight Fleas and other Blood Sucking Insect Pests. * * * Fowls that have been infested with vermin are subject to colds, etc. * * * Directions—One teaspoonful to two gallons of water and give the fowls to drink. Lice and fleas will disappear quicker than mites and blue bugs for the reason that most of the mite family live in the poultry houses and attack fowls on the roosts, so it takes longer to clear the whole tribe out, persistent use of the remedy will do it. 4 or 5 days treatment twice a month will keep them permanently away," borne on the label affixed to each of the bottles containing the article and on the paper wrappers, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against lice, mites, fleas, blue-bugs, stick-tight fleas, and all other blood-sucking insect pests, and all vermin that infest or attack fowls, whereas, in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted completely of inert substances, i. e., substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly, or at all, on the label affixed to the bottles containing the article, nor on the paper wrappers enclosing the bottles.

On October 18, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

1116. Misbranding of Lee's lice killer. U. S. v. 10 Dozen Cans of Lee's Lice Killer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1447. S. No. 176.)

On August 10, 1927, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen cans of Lee's lice killer. It was alleged in the libel that the article had been shipped, on or about April 14, 1927, by the George H. Lee Co., Omaha, Nebr., from the State of Nebraska into the State of Tennessee, and that having been so transported it remained unsold in the original unbroken packages at Memphis, Tenn., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Lee's Lice Killer is intended principally for use about the poultry house, for chickens, keeping rid of mites * * * also the various forms of feather lice and body lice that habitually remain upon the chickens. See other part of this label for directions," "For Body Lice On Fowls—Apply Lee's Lice Killer liberally to the roosts a half hour before chickens go to roost at night, to get a wide evaporating surface for killing body lice it is necessary to arrange a 12 or 14 inch board directly under and close up against the roost. Apply Lee's Lice Killer to both boards and roost daily for a short time, then once a month regularly. The roost itself, should be a 2 x 2 or a 2 x 4 with top edge rounded," borne on the labels affixed to the cans containing the article, and the statement, to wit, "Lee's Lice Killer. We are free from lice," used in connection with a picture of chickens borne on the said label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used on roosts and dropping boards as directed, was an effective remedy against chicken lice, and when used as directed was an effective remedy against body lice on fowls, and would free chickens from lice, whereas the article, when used as directed, would not be effective for the said purposes.

On November 22, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

1117. Adulteration and misbranding of Allen's Bordeaux mixture paste and Allen's dry powdered Bordeaux mixture. U. S. v. Walter A. Allen. Plea of guilty. Fine, \$50. (I. & F. No. 1426. Dom. Nos. 19593, 21147, 21149.)

On March 16, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter A. Allen, Pittstown, N. J., alleging shipment by said defendant, in violation of the insecticide act of 1910, in part on or about April 17, 1924, and in part on or about March 30, 1926, from the State of New Jersey into the State of Massachusetts, of quantities of Allen's Bordeaux mixture paste, and Allen's dry powdered Bordeaux mixture, which were adulterated and misbranded fungicides within the meaning of said act.

Adulteration of the articles was alleged in the information for the reason that the statements "Active Ingredient: Copper 10% Inert Ingredient 90%," with respect to the Bordeaux mixture paste, and "Active Ingredient: Copper 20%, Inert Ingredient 80%," with respect to the dry powdered Bordeaux mixture, represented that the standard and quality of the articles were such that they contained 10 or 20 per cent, as the case might be, of copper, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate fungi, in the proportion of not more than 90 per cent, or 80 per cent, as the case might be, whereas the strength and purity of the articles fell below the professed standard and quality under which they were sold, in that they contained less copper and more inert ingredients than so represented.

Adulteration was alleged with respect to the dry powdered Bordeaux mixture, and a portion of the Bordeaux mixture paste, for the further reason that the former was intended for use on vegetation, to wit, early growing period spraying of apples, and the latter was intended for use on vegetation, to wit, peaches and Japanese plums and all growing season application of apples, and the said articles, when used thereon as directed by the labels affixed to the packages, would be injurious to such vegetation.

Misbranding was alleged for the reason that the statements, to wit, "Active Ingredients, Copper 10% Inert Ingredient 90%," "To obtain a 3-3-50 Formula use 7 1/2 lbs. to 50 Gal. Water, To obtain a 4-4-50 Formula use 10 lbs. to 50 Gal. Water, To obtain a 5-5-50 Formula use 12 1/2 lbs. to 50 Gal. Water," with respect to a portion of the Bordeaux mixture paste, "Active Ingredients: Copper 10% Inert Ingredient 90%," "To obtain a 3-3-50 Formula use 7 1/2 lbs. to 50 gal. of water or 3 teaspoonfull to one gal. water, To obtain a 4-4-50 Formula use 10 lbs. to 50 gal. of water or 4 teaspoonfull to one gal. water. To obtain a 5-5-50 Formula use 12 1/2 lbs. to 50 gal. of water, or 5 teaspoonfull to one gal. water," with respect to the remainder of the Bordeaux mixture paste, and "Active Ingredient Copper 20% Inert Ingredient 80%," "To obtain a 3-3-50 Formula use 3 9-10 lbs. to 50 gal. water. To obtain a 4-4-50 Formula use 5 1-10 lbs. to 50 Gal. water. To obtain a 5-5-50 Formula use 6 1-10 lbs. to 50 gal. water," with respect to the dry powdered Bordeaux mixture, were false and misleading, and by reason of the said statements the articles were labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said articles contained 10 per cent, or 20 per cent, as the case might be, of copper, and 90 per cent, or 80 per cent, as the case might be, of inert ingredients, and when used in the proportions represented by the said statements would produce the equivalent of a 3-3-50 formula, a 4-4-50 formula, or a 5-5-50 formula, as the case might be, whereas the said articles contained less copper and more inert ingredients than so represented, and, when use in the proportions recommended, would not produce the equivalent of the said formulae.

Misbranding was alleged with respect to the dry powdered Bordeaux mixture and a portion of the Bordeaux mixture paste, for the further reason that the statements, to wit, "Bordeaux Mixture is the only reliable preventive for certain diseases of plants and must be used in order to prevent * * * mildew, etc," borne on the labels, were false and misleading and by reason of the said statements the articles were labeled and branded so as to deceive and mislead the purchaser, in that they represented that Bordeaux mixture is the only reliable remedy for all mildews and for all diseases indicated by the abbreviation "etc.," whereas Bordeaux mixture is not the only reliable remedy for all mildews or for all diseases indicated by the abbreviation "etc."

Misbranding was alleged for the further reason that the statements, to wit, "Bordeaux Mixture is the only reliable preventive for certain diseases of plants

and must be used in order to prevent early blight, late blight, mildew, etc., it is cheap insurance for your crop. Use my Bordeaux Mixture on your Potatoes, Grapes, Apples and Truck Crops. Make several applications during the growing season. Don't wait until the blight gets ahead of you * * *," with respect to a portion of the Bordeaux mixture paste, the statements, to wit, "Use Allen's Bordeaux Mixture on your Potatoes, Tomatoes, Cucumbers, Melons and all Truck Crops, Grapes, Currants, Gooseberries, Apples, and all other tree fruits. Make several applications during the growing season. Don't wait until the blight gets ahead of you," with respect to the remainder of the Bordeaux mixture paste, and the statements, to wit, "Use my Bordeaux Mixture on your Potatoes, Grapes, Apples, and Truck Crops. Make several applications during the growing season. Do not wait until the blight gets ahead of you," with respect to the dry powdered Bordeaux mixture, together with the directions for obtaining the various formulae as set forth above, borne on the labels, were false and misleading, and, by reason of the said statements, the articles were labeled and branded so as to deceive and mislead the purchaser in that they represented that a portion of the said Bordeaux mixture paste, when used as directed, would be effective against early and late blight potatoes, any and all blights of potatoes, grapes, apples, and truck crops, and against all such diseases as are controllable with Bordeaux mixture, that the remainder of the said Bordeaux mixture paste could be safely so used for all growing period spraying of apples and for the spraying of all other tree fruits, and would be effective against all blights of potatoes, tomatoes, cucumbers, melons, all truck crops, grapes, currants, gooseberries, apples, and all other tree fruits, and that the dry powdered Bordeaux mixture could be safely so used for all growing season applications on apples, and would control all blights of potatoes, grapes, apples, and truck crops, whereas the said articles would not be effective against the said blights and diseases, and the said dry powdered Bordeaux mixture could not be safely so used for all growing period spraying of apples, and the said portion of the Bordeaux mixture paste could not be safely so used for all growing period spraying of apples or for spraying of all other tree fruits.

Misbranding was alleged with respect to a portion of the Bordeaux mixture paste for the further reason that the statement "Net Weight at time of packing 2 lbs.," borne on the label, represented that the packages each contained 2 pounds of the article, whereas the contents of the said packages were not correctly stated on the label affixed thereto in that they contained less than 2 pounds of the said article.

Misbranding of the articles was alleged for the further reason that they consisted partially of inert substances or ingredients, to wit, substances other than copper expressed as metallic copper, and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly on the label affixed to the cans containing the articles, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the articles having fungicidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On June 27, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

1118. Misbranding of Carbo-Cresol disinfectant. U. S. v. Meyer Bros. Drug Co. Plea of nolo contendere. Fine, \$250. (I. & F. No. 1344. Dom. No. 18543.)

On June 5, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Meyer Bros. Drug Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 24, 1923, from the State of Missouri into the State of Arkansas, of a quantity of Carbo-Cresol disinfectant, which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One quart (946 cc.)," borne on the label affixed to the cans containing the said article, represented that the contents of each of the said cans were, in terms of measure, 1 quart, or 946 cubic centimeters, of the article, whereas the contents of each of the said cans were not correctly stated on the outside thereof, in that they contained less than 1 quart and less than 946 cubic centimeters of the said article.

On October 25, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

W. M. JARDINE, *Secretary of Agriculture.*

1119. Misbranding of 2 in 1 lice and mite remover. U. S. v. Wallace W. Fesler and Raymond W. Swinney. Plea of guilty. Fines, \$40. (I. & F. No. 1365. Dom. Nos. 20451, 20455.)

On October 26, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wallace W. Fesler and Raymond W. Swinney, copartners, trading as the 2 in 1 Poultry Supply Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the insecticide act of 1910, in two consignments, on or about September 20, 1924, and October 23, 1924, respectively, from the State of Missouri into the State of Texas, of quantities of 2 in 1 lice and mite remover, which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "'2 in 1' Lice and Mite Remover The contents of this Bottle is sufficient to make 200 gallons '2 in 1' Lice And Mite Remover is absolutely Guaranteed to rid chickens, turkeys, pigeons or other poultry of all lice, mites, stick-tite fleas, blue-bugs or other parasites. * * * Directions Mix ten (10) or fifteen (15) drops of '2 in 1' Lice and Mite Remover with one (1) gallon of water or use one teaspoonful to four (4) gallons of water. To use more is to waste it. Give it to your poultry for four or five days, keeping other drinking water away from them, and they will be entirely free from insects. Repeat this process every two weeks and you will never have to worry about parasites on your flock," borne on the label affixed to the bottles containing the said article, were false and misleading, and, by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against lice, mites, stick-tite fleas, blue-bugs, and all other insects and parasites that infest or attack poultry, whereas, in fact and in truth, it was not.

On June 8, 1927, the defendant Raymond W. Swinney entered a plea of guilty to the information, and the court imposed a fine of \$20. On June 21, 1927, the defendant Wallace W. Fesler entered a plea of guilty, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

1120. Misbranding of Shores fly powder bug and insect destroyer. U. S. v. Shores-Mueller Co. Plea of guilty. Fine, \$100 and costs. (I. & F. No. 1386. Dom. No. 20020.)

On February 6, 1926, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shores-Mueller Co., a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the insecticide act of 1910, on or about January 28, 1925, from the State of Iowa into the State of Michigan, of a quantity of Shores fly powder and bug and insect destroyer, which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, "Net 8 Oz.," with respect to a portion of the product, and "Net 5 Oz.," with respect to the remainder thereof, borne on the label of the packages containing the said article, represented that the contents of each of the said packages were in terms of weight, 8 ounces and 5 ounces, respectively, whereas the contents of the said packages were not correctly stated on the outside thereof, in that they contained less than 8 ounces and 5 ounces, respectively, of the said article.

Misbranding was alleged for the further reason that the statements, to wit, "Shores Fly Powder Bug and Insect Destroyer Sure Death to Bugs and Insects * * * Shores Fly Powder is harmless to man but is death to bugs and insects," "General Directions for Flies and Mosquitoes * * * Sometimes it is a good plan to burn a small quantity of the powder in a tin dish over hot coals, or a flame and allow the smoke to penetrate every crack and crevice," borne on the package labels, were false and misleading, and, by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against all bugs and all other insects,

and would be an effective remedy against flies and mosquitoes, whereas, in fact and in truth, it would not. Misbranding was alleged with respect to a portion of the product for the further reason that the statements, to wit, "Shores Fly Powder Bug and Insect Destroyer Sure Death to Bugs and Insects * * * General Directions For Flies and Mosquitoes * * * Bedbugs Dust the powder freely in the cracks and crevices of the bedstead, and walls and floors of the room. * * * Lice on Animals and Fowls. Dust freely in the hair of animals and feathers of fowls, being sure the body is well covered with the powder under the wings, etc. Repeat once or twice. Shores Fly Powder is harmless to man but is death to bugs and insects. Lice on Animals * * * Dust freely in the hair of animals * * * being sure the body is well covered with the powder * * * Repeat once or twice," borne on the labels of certain of the said packages, were false and misleading, and, by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained in the said certain packages, when used as directed, would be an effective remedy against flies, all bugs, mosquitoes, bedbugs, and all other insects, would be an effective remedy against lice on animals and fowls, and would be an effective control of lice on animals, when dusted freely in the hair of the animals and repeated once or twice, whereas the said article, when used as directed, would not be effective for the said purposes.

Misbranding of the article was alleged for the further reason that it consisted partially or completely of inert substances, to wit, powdered pyrethrum flower stems and sand, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances so present therein were not stated plainly and correctly on each or any label borne on or affixed to the packages containing the said article, nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances or ingredients so present in the article stated plainly and correctly on the said label.

On September 29, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

1121. Misbranding of liquid fly spray. U. S. v. Walter S. Burgess. Plea of guilty. Fine, \$50. (I. & F. No. 1457. Dom. Nos. 20854, 21367, 21998.)

On September 28, 1927, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter S. Burgess, St. Joseph, Mich., alleging shipment by said defendant, in violation of the insecticide act of 1910, in various consignments, on or about March 5, and March 9, 1926, and February 5, 1927, respectively, from the State of Michigan in part into the State of Georgia and in part into the State of Massachusetts, of quantities of liquid fly spray, which was a misbranded insecticide within the meaning of said act.

Misbranding was alleged in the information with respect to a portion of the product consigned March 5, 1926, into Georgia and the product consigned March 9, 1926, and February 5, 1927, into Massachusetts, for the reason that the statement, to wit, "Contents One Half Pint," borne on the label affixed to the cans containing the article, was false and misleading, and, by reason of the said statement, the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that each of the said cans contained one-half pint of the article, whereas the cans containing the product consigned into Massachusetts and a portion of the cans containing the product consigned into Georgia contained less than one-half pint of the said article.

On November 14, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

1122. Misbranding of 2 in 1 lice and mite remover. U. S. v. Wallace W. Fesler. Plea of guilty. Fines, \$80. (I. & F. Nos. 1421, 1423. Dom. Nos. 21416, 21420, 21443.)

On December 16, 1926, and January 3, 1927, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district 2 informations against Wallace W. Fesler, trading as the

2 in 1 Poultry Supply Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the insecticide act of 1910, in various consignments, on or about February 5, March 29, and June 3, 1926, respectively, from the State of Missouri, in part into the State of Arkansas, and in part into the State of Tennessee, of quantities of 2 in 1 lice and mite remover, which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the informations for the reason that the statements, to wit, "2 in 1' Rids and Prevents Lice and Mite Remover * * * This preparation is absolutely Guaranteed to rid of all parasites such as lice, mites, stick-tite fleas or blue-bugs. '2 in 1' Lice and Mite Remover is harmless and non poisonous * * * Directions: Keep bottle tightly corked. Mix ten (10) drops of '2 in 1' Lice and Mite Remover with every gallon of drinking water," borne on the labels affixed to the bottles containing the article, and the further statements, to wit, "The Contents of This Bottle is Sufficient to make 200 Gallons," "It will not taint the flesh or the eggs. It is a wonderful tonic and blood-purifier for young and old fowls," borne on the labels of a portion of the product, were false and misleading, and, by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against lice and mites and against all poultry parasites, such as lice, mites, stick-tite fleas, and blue-bugs, whereas, in fact and in truth, it would not.

On June 21, and June 22, 1927, respectively, the defendant entered pleas of guilty to the informations, and the court imposed fines totaling \$80.

W. M. JARDINE, *Secretary of Agriculture.*

1123. Adulteration and misbranding of Allen's dry powdered arsenate of calcium. U. S. v. Walter A. Allen. Plea of guilty. Fine, \$100. (I. & F. No. 1446. Dom. No. 21146.)

On September 20, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter A. Allen, Pittstown, N. J., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about March 30, 1926, from the State of New Jersey into the State of Massachusetts, of 12 packages of Allen's dry powdered arsenate of calcium, which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Active ingredient Tricalcium Arsenate, not less than 69% Inert ingredient, not more than 31% Total arsenic (as metallic) not less than 26% Equivalent to Arsenic Oxide, not less than 40% Arsenic in water soluble forms (as metallic) not more than $\frac{3}{4}$ %, " borne on the label affixed to the packages containing the said article, represented that its standard and quality were such that it contained calcium arsenate in the proportion of not less than 69 per cent, contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 31 per cent, contained total arsenic, expressed as metallic arsenic, in the proportion of not less than 26 per cent, equivalent to 40 per cent of arsenic oxide, and contained arsenic in water-soluble forms, expressed as metallic arsenic, in the proportion of not more than $\frac{3}{4}$ of 1 per cent, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold in that it contained less than 69 per cent of calcium arsenate, more than 31 per cent of inert ingredients, less than 26 per cent of total arsenic, expressed as metallic arsenic, and equivalent to less than 40 per cent of arsenic oxide, and more than $\frac{3}{4}$ of 1 per cent of arsenic in water-soluble form, expressed as metallic arsenic.

Adulteration was alleged with respect to two packages of the product for the further reason that the statements, "Arsenate of Calcium (Containing other calcium compounds) * * * Active ingredient Tricalcium Arsenate, not less than 69%," borne on the label, represented that the standard and quality of the article were such that it consisted of arsenate of calcium and other calcium compounds, and contained, as an active ingredient, tricalcium arsenate only, and in the proportion of not less than 69 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it did not consist of arsenate of calcium and other calcium compounds, but did consist of calcium arsenate, other calcium compounds, lead arsenate, and dextrin, and did not contain, as an active

ingredient, tricalcium arsenate only, but did contain, as active ingredients, calcium arsenate and lead arsenate. Adulteration was alleged with respect to the said two packages of the product for the further reason that a substance, to wit, lead arsenate, had been substituted in part for the said article, that is to say, for calcium arsenate.

Misbranding was alleged for the reason that the above-quoted statements, borne on the labels, were false and misleading, and, by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article consisted of arsenate of calcium and other calcium compounds, contained, as an active ingredient, tricalcium arsenate only and in the proportion of not less than 69 per cent, contained inert ingredients in the proportion of not more than 31 per cent, contained total arsenic, expressed as metallic arsenic, in the proportion of not less than 26 per cent, and equivalent to arsenic oxide in the proportion of not less than 40 per cent, and contained arsenic in water-soluble forms, expressed as metallic arsenic, in the proportion of not more than $\frac{3}{4}$ of 1 per cent, whereas the said article contained less than 69 per cent of calcium arsenate, and more than 31 per cent of inert ingredients, contained total arsenic, expressed as metallic arsenic, in a proportion less than 26 per cent, and equivalent to less than 40 per cent of arsenic oxide, and contained arsenic in water-soluble form, expressed as metallic arsenic, in a proportion greater than $\frac{3}{4}$ of 1 per cent, and the article contained in the said two packages did not consist of arsenate of calcium and other calcium compounds, but did consist of calcium arsenate, other calcium compounds, lead arsenate, and dextrin, and did not contain, as an active ingredient, tricalcium arsenate only, but did contain, as active ingredients, calcium arsenate and lead arsenate, and contained less than 69 per cent of active ingredients.

Misbranding was alleged with respect to the article contained in the said two packages for the further reason that it consisted partially of inert substances or ingredients, to wit, substances other than calcium arsenate and lead arsenate, and the name and percentage amount of each and every one of the said inert substances so present therein were not stated plainly and correctly on the label affixed to each of the said two packages, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances so present in the said article stated plainly and correctly on the said labels.

On September 26, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

1124. Adulteration and misbranding of Crystal cresol compound solution U. S. P. U. S. v. Crystal Soap and Chemical Co., Inc. Plea of guilty. Fine, \$100. (I. & F. No. 1461. Dom. No. 22209.)

On or about November 16, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crystal Soap and Chemical Co., Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 24, 1927, from the State of Pennsylvania into the State of Massachusetts, of a quantity of Crystal cresol compound solution U. S. P. which was an adulterated and misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statement, to wit, "Cresol Compound Solution U. S. P.," borne on the label affixed to the crate enclosing the can containing the said article, represented that its standard and quality were that of "Liquor Cresolis Compositus," as prescribed by the Pharmacopoeia of the United States, whereas its strength and purity fell below the professed standard and quality under which it was sold, in that it was not of the standard and quality of "Liquor Cresolis Compositus," as prescribed in the said pharmacopoeia, but did consist of cresols and other phenols, soap other than linseed oil soap, coal-tar neutral oils, and water, and more water and less soap and cresols than that required by the said pharmacopoeia for Liquor Cresolis Compositus. Adulteration was alleged for the further reason that the statement "Cresol Compound Solution U. S. P.," borne on the said label, represented that the article was "Liquor Cresolis Compositus, U. S. P.," whereas it was not, but other phenolic bodies and coal-

tar neutral oils had been substituted in part for cresol, other oil had been substituted for linseed oil, and excess water had been added to the product.

Misbranding was alleged for the reason that the statement, to wit, "Cresol Compound Solution U. S. P.," borne on the label, was false and misleading, and, by reason of the said statement, the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the article was *Liquor Cresolis Compositus*, U. S. P., whereas, it was not *Liquor Cresolis Compositus*, U. S. P., but did consist of cresols and other phenols, soap other than linseed oil soap, coal-tar neutral oils, and water, and did contain more water and less soap and cresols than that required by the said pharmacopoeia for *Liquor Cresolis Compositus*.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate fungi, and the name and percentage amount of the said inert substance contained in the article were not stated plainly and correctly, or at all, on the label affixed to the crate containing the said can, or to the can containing the said article, nor, in lieu thereof, were the names and percentage amounts of each and every substance or ingredient of the said article having fungicidal properties, and the total percentage of the inert substances so present therein stated plainly and correctly, or at all, on the labels affixed to the crate containing the said can, or to the can containing the said article.

On January 11, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture*.

1125. Misbranding of 2 in 1 lice and mite remover. U. S. v. 551 Bottles of 2 in 1 Lice and Mite Remover. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1438. S. No. 175.)

On June 13, 1927, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 551 bottles of 2 in 1 lice and mite remover. It was alleged in the libel that the article had been shipped, on or about June 18, 1926, by the 2 in 1 Poultry Supply Co., Kansas City, Mo., from the State of Missouri into the State of Tennessee, and that, having been so transported, it remained unsold at Memphis, Tenn., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "'2 in 1' Rids and Prevents Lice and Mite Remover The contents of This Bottle is Sufficient to make 200 Gallons. This preparation is absolutely Guaranteed to rid poultry of all parasites such as lice, mites, stick-tite fleas or blue-bugs," "'2 in 1' Lice and Mite Remover is harmless and non-poisonous. It will not taint the flesh or the eggs. It is a wonderful tonic and blood-purifier for young and old fowls. Directions: Keep bottle tightly corked, Mix ten (10) drops of '2 in 1' Lice and Mite Remover with every gallon of drinking water. If possible, do not use metal containers for the water. If the poultry have access to water in creeks or streams, mix 15 drops of this product in a cupful of water, then add this solution to every gallon of feed," borne on the labels affixed to the bottles containing the said article, were false and misleading, and, by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against lice and mites and against all poultry parasites, such as lice, mites, stick-tite fleas, and blue-bugs, whereas, in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, when used in the method and manner as directed, and the name and percentage amount of each and every one of the said inert substances or ingredients so contained in the article were not stated plainly and correctly on the label affixed to the bottles containing the said article.

On November 22, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

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